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In re Application of	:	OFFICE OF PETITIONS
Chin, et al.	:	
Application No. 09/963,676	:	ON PETITION
Filed: September 27, 2001	:	
Attorney Docket No. BSX-219	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(a), filed August 23, 2004, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned for failure to timely reply within three months to the Office action mailed December 4, 2003. Accordingly, this application became abandoned on March 5, 2004. A Notice of Abandonment was mailed on July 12, 2004.

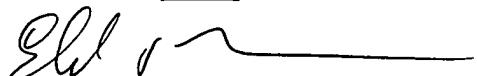
Petitioner contends the Office action was never received by applicant. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

Petitioner has submitted the necessary statement and docket records that indicate non-receipt of the Office action. As such, the petition shall be treated as a petition under 37 CFR 1.181 and the holding of abandonment is withdrawn.

The \$110.00 petition fee, submitted August 23, 2004, will be refunded to deposit account no. 06-2375

This application is being forwarded to Technology Center 3700 for review of the amendment, filed August 23, 2004, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office